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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/586,535	01/16/96	CHENG J	ERSO-84-051

ESM1/1017

GEORGE O SAILE
20 MCINTOSH DRIVE
POUGHKEEPSIE NY 12603

EXAMINER	
DUONG, T	
ART UNIT	**PAPER NUMBER**
2515	3

DATE MAILED: 10/17/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 2/22/96.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-22 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-22 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

* U.S. GPO: 1996-410-238/40050

Claims 6 and 12 are rejected under 35 U.S.C. § 112, fourth paragraph, as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claims 6 and 12 delete a part (the overcoat layer) set forth in the claims from which they depend.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by JP No.4-268533.

Note in figs. 2 and 4 the black matrix (5), the layer of transparent common electrode (4) and the overcoat layer (3). Also, see discussions of the recited elements in the Abstract.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same

person or subject to an obligation of assignment to the same person.

Claims 5 and 11 are rejected under 35 U.S.C. § 103 as being unpatentable over JP `533 in view of Yamazaki et al `442.

Yamazaki et al disclose that it is common to employ transparent polymers as the overcoat layer (col.14, lines 60-62). Thus, it would have been obvious to a person of ordinary skill in the art to employ the overcoat layer made of transparent polyimide because the use of such material is common in the art as evidenced by Yamazaki et al.

Claims 6 and 12 are rejected under 35 U.S.C. § 103 as being unpatentable over JP `533 in view of Koseki et al "Color filter..liquid crystal displays".

Koseki et al disclose in fig.1 that it is known to employ a color liquid crystal display without the overcoat layer. Thus, it would have been obvious to a person of ordinary skill in the art to omit the overcoat layer in the device of JP `533 for obtaining a color display device with low operating voltage and low cross-talk.

Claims 13-22 are rejected under 35 U.S.C. § 103 as being unpatentable over JP `533 in view of Yamazaki et al `442 and Tani et al "Progress in Color Filters for LCDs" cited by Applicant.

Although the JP `533 does not ~~explicitly~~ explicitly disclose the steps of making the liquid crystal display of figs 2 and 4, the steps as recited in the instant claims are common in the art as evidenced by Yamazaki et al (figs 10A-E, col.14, lines 47-66) and

Tani et al. Also, note the thickness of the overcoat layer and the transparent common electrode in column 14, lines 47-66 of Yamazaki et al. Thus, it would have been obvious to a person of ordinary skill in the art to fabricate the color display device of JP `533 in accordance with the instant, recited steps because these steps are well-known in the art for making a color display with black matrix (chromium) as evidenced by Tani et al and Yamazaki et al.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Tai Duong at telephone number (703) 308-4873.

TD
Duong/ab

September 24, 1996

William L. Sikes

WILLIAM L. SIKES
SUPERVISORY PATENT EXAMINER
GROUP 2500